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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,914	10/19/2001	Todd Allen Link	15892-US	8531

7590 08/18/2006

Brian H. Buck
c/o Deere & Company
One John Deere Place
Moline, IL 61265-8098

EXAMINER

LOPEZ, FRANK D

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/982,914	LINK ET AL.	
	Examiner	Art Unit	
	F. Daniel Lopez	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 8,9,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/5/06</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicant's arguments filed June 5, 2006, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 8, 9, 12 and 13 have been considered but are deemed to be moot in view of the new grounds of rejection. The new grounds of rejection are necessitated by the added limitation that the flow through the second or third motor is not directed through any other restrictive valve.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claim 12 is rejected under 35 U.S.C. § 103 as being unpatentable over Cooper. Cooper discloses a hydraulic system including first (22, 24), second (52) and third (55, 56) motors connected in series; wherein a pair of directional control valves (66, 68) allows flow to the respective motor in the presence of an actuating signal (moved away from center position) and prevents flow in the absence of the signal (in center position); wherein the flow through the second or third motor is not directed through any other restrictive valve; but does not disclose that the directional control valves are pilot operated, by pilot signals provided by first and second solenoid operated directional control valves.

Official notice is taken that it is well known to control directional control valves in a variety of interchangeable ways, including making the directional control valve pilot operated, by a pilot signal generated by a solenoid operated directional control valve. It would have been obvious at the time the invention was made to one having ordinary skill in the art to make the directional control valves of Cooper pilot operated, by a pilot signal generated by a solenoid operated directional control valve, as a matter of engineering expediency.

Claims 12 and 13 are rejected under 35 U.S.C. § 103 as being unpatentable over Applicant's admitted prior art in view of Cooper. Applicant's admitted prior art (fig 4) discloses a hydraulic system for a lawn mower having a first center deck and second and third side decks, each associated with a respective first (64), second (66) and third (68) motor connected in series, comprising a first (82) and second solenoid operated directional control valves provide first and second pilot signals, respectively, to first (74, 80) and second (including 76) pilot operated directional control valves, which allows flow to the respective second and third motors in the presence of a respective pilot pressure and preventing flow in the absence of the pilot signal; but does not disclose that the flow through the second or third motor is not directed through any other restrictive valve.

Cooper teaches, for a hydraulic system including first (22, 24), second (52) and third (55, 56) motors; wherein a pair of directional control valves (66, 68) allows flow to the respective motor in the presence of an actuating signal (moved away from center position) and prevents flow in the absence of the signal (in center position); that the flow through the second or third motor is not directed through any other restrictive valve.

Since the directional control valves of Applicant's admitted prior art and Cooper are interchangeable to allow serial connection of motors, or to bypass a motor; It would have been obvious at the time the invention was made to one having ordinary skill in the art to replace the valve system of Applicant's admitted prior art with the valving system like Cooper's, wherein the flow through the second or third motor is not directed through any other restrictive valve, as taught by Cooper, as a matter of engineering expediency.

Claims 8 and 9 are rejected under 35 U.S.C. § 103 as being unpatentable over Applicant's admitted prior art in view of Cooper, as applied to claim 12 above, and further in view of Truax et al. The modified Applicant's admitted prior art discloses all of the elements of claims 8 and 9; but does not disclose that the respective pilot signal is provided when the respective motor is moved to an operating position, thereby allowing flow to the motor and that the respective pilot signal is ended when the respective motor is moved to a non-operating position, thereby preventing flow to the motor.

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Truax et al teaches, for a hydraulic system for a lawn mower having a side deck (9) associated with a motor (16); wherein a directional control valve (102) allows flow to the motor in the presence of a signal (via 103) and prevents flow in the absence of the signal; that the signal is provided and flow to the motor is allowed, when the respective motor is moved to an operating position; and that the signal is ended and the flow to the motor is prevented when the respective motor is moved to a non-operating position, for the purpose of having a safety feature, preventing operation of the motor when the deck is above a certain position (e.g. column 4 line 64 – column 5 line 3).

Since Applicant's admitted prior art and Truax et al are both from the same field of endeavor, the purpose disclosed by Truax et al would have been recognized in the pertinent art of Applicant's admitted prior art. It would have been obvious at the time the invention was made to one having ordinary skill in the art to provide the respective pilot signal, thereby allowing flow to the respective motor of Applicant's admitted prior art, when the respective motor is moved to an operating position; and end the respective pilot signal thereby preventing flow to the respective motor, when the respective motor is moved to a non-operating position, as taught by Truax et al, for the purpose of having a safety feature, preventing operation of the motor when the deck is above a certain position

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

A handwritten signature in black ink, appearing to read 'F. Daniel Lopez', is written over a horizontal line.

F. Daniel Lopez
Primary Examiner
Art Unit 3745
August 17, 2006